

Senate Amendment 3236

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1 1 Amend Senate File 538 as follows:
1 2 #1. Page 1, by striking lines 5 through 8 and
1 3 inserting the following: <society resulting from
1 4 injury to or death of a minor child and may recover
1 5 for the expense and actual loss of services,
1 6 companionship, and society resulting from the death of
1 7 an adult child.
1 8 Sec. _____. Section 633.336, Code 2007, is amended
1 9 to read as follows:
1 10 633.336 DAMAGES FOR WRONGFUL DEATH.
1 11 When a wrongful act produces death, damages
1 12 recovered as a result of the wrongful act shall be
1 13 disposed of as personal property belonging to the
1 14 estate of the deceased; however, if the damages
1 15 include damages for loss of services and support of a
1 16 deceased spouse ~~and~~ parent, or child, the damages
1 17 shall be apportioned by the court among the surviving
1 18 spouse, ~~and~~ children, and parents of the decedent in a
1 19 manner as the court may deem equitable consistent with
1 20 the loss of services and support sustained by the
1 21 surviving spouse, ~~and~~ children, and parents
1 22 respectively. Any recovery by a parent for the death
1 23 of a child shall be subordinate to the recovery, if
1 24 any, of the spouse of a child of the decedent. If
1 25 the decedent leaves a spouse, child, or parent,
1 26 damages for wrongful death shall not be subject to
1 27 debts and charges of the decedent's estate, except for
1 28 amounts to be paid to the department of human services
1 29 for payments made for medical assistance pursuant to
1 30 chapter 249A, paid on behalf of the decedent from the
1 31 time of the injury which gives rise to the decedent's
1 32 death up until the date of the decedent's death.>
1 33 #2. By renumbering as necessary.
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1 37 ROBERT M. HOGG
1 38 SF 538.201 82
1 39 rh/es/5596
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